

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA, 1945

CRL.MC NO. 6871 OF 2023

AGAINST THE ORDER/JUDGMENT MP 817/2021 OF JUDICIAL

MAGISTRATE OF FIRST CLASS -III, THRISSUR

PETITIONER/S:

V.P.POULOSE, AGED 64 YEARSS/O.PHILIPOSE, VELLIKKOLI
PUTHENPURAYIL HOUSE, MAROTTICHAL, MANNAMANGALAM
VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT, PIN -
680014

BY ADVS.
LINDONS C.DAVIS
E.U.DHANYA
N.S.SHAMILA
CHINJU P. JOYIES

RESPONDENT/S:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN -
682031

OTHER PRESENT:

HRITWICK CS PP

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20.09.2023, ALONG WITH OP(CrI.).302/2023, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA, 1945

OP (CRL.) NO. 302 OF 2023

AGAINST THE ORDER/JUDGMENT CRMP 817/2021 OF JUDICIAL

MAGISTRATE OF FIRST CLASS -III, THRISSUR

PETITIONER/S:

V.P.POULOSEAGED 64 YEARSS/O.PHILIPOSE, VELLIKKOLI
PUTHENPURAYIL HOUSE, MAROTTICAL DESOM,
MANNAMANGALAM VILLAGE, THRISSUR TALUK, THRISSUR
DISTRICT, PIN - 680014

BY ADVS.
LINDONS C.DAVIS
E.U.DHANYA
SWATHY A.P.
N.S.SHAMILA

RESPONDENT/S:

- 1 SUDHARMAAGED 48 YEARS, D/O.BHASKARA PANICKER,
PARAPPILLI THARAYIL HOUSE, MANNAMANGALAM VILLAGE,
THRISSUR TALUK, VALLOOR DESOM, MAROTTICAL.P.O.,
THRISSUR DISTRICT, PIN - 680014
- 2 PRAKASHANAGED 59 YEARSS/O.PRABHAKARAN,
MUTHALANKANDATH HOUSE, MANNAMANGALAM VILLAGE,
THRISSUR TALUK, VALLOOR DESOM, MAROTTICAL.P.O.,
THRISSUR DISTRICT, PIN - 680014
- 3 MOHANANAGED 54 YEARSS/O. BHASKARA PANICKER,
PARAPPILLI THARAYIL HOUSE, THRISSUR TALUK,
MANNAMANGALAM VILLAGE, VALLOOR DESOM,
MAROTTICAL.P.O., THRISSUR DISTRICT, PIN - 680014
- 4 SOMANAGED 69 YEARSS/O.KRISHNA PANICKER, PARAPPILLI
THARAYIL HOUSE, MANNAMANGALAM VILLAGE, THRISSUR

& OPCrI. No.302/23

TALUK, VALLOOR DESOM, MAROTTICAL.P.O., THRISSUR
DISTRICT, PIN - 680014

5 STATE OF KERALAREPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN -
682031

SRI.RANJITH T.R. PP

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20.09.2023, ALONG WITH CrI.MC.6871/2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

Crl.M.C. No. 6871 of 2023

&

OP(CrL.) No. 302 of 2023

Dated this the 20th day of September, 2023

O R D E R/JUDGMENT

These two case are connected and therefore, I am disposing of these two cases by a common judgment.

2. The prayer in Crl.M.C. No. 6871/2023 is to quash Annexure-A3 order by which the learned Magistrate directed the Police to investigate the matter under Sec. 202 Cr.P.C. to collect sufficient materials including the statement of witness, documents etc. After going through the order, I am of the considered opinion that there is nothing to interfere with that order.

O.P.(CrL.) No. 302 of 2023

O.P.(CrL.) is filed with following prayers :

(i) *“To direct the Hon'ble Judicial Magistrate Court No.III, Thrissur to pass orders on Ext.P1 CMP No.817/2021 within a time frame fixed by this Hon'ble Court.;*

(ii) *To grant such other and further reliefs as this Hon'ble Court may consider just and proper In the facts and circumstances of the case.*

(iii) *The petitioner also prays that this Hon'ble Court may be pleased to dispense with the translation of the documents produced in the vernacular language.” [SIC]*

3. This petition is filed mainly for a direction to dispose the matter pending before the trial court. This Court directed the Registry to get a report. The learned Magistrate forwarded the report. The relevant portion of the same is extracted hereunder :

“With reference to the above, I may most humbly submit that the following for kind consideration.

2. *CMP 817/21 is filed against the accused persons who are 4 in numbers, under Section 190 (1) (a) of Cr. P.C. On perusal of records, the last posting date of this case was on 06/05/2023 and on that day, my learned predecessor directing the SHO, Ollur*

Police station to investigate the matter and file a report u/s. 202 Cr. P.C. and the next posting date is on 06/07/2023. CWI to CW4 were examined.

3. It is further submitted that, I took charge as Judicial First Class Magistrate in this court only on 20/05/2023. I may also submit that the pendency in this court is nearly 15,000. Considering the present stage of this case and also the pendency of this court, it is most humbly requested to kindly grant me 6 months time to dispose the above mentioned CMP."

4. From the above, the learned Magistrate submitted that six months time is necessary to dispose the matter. I think these cases can be disposed of directing to dispose the main case itself within six months.

Therefore, these cases are disposed of directing the Judicial First Class Magistrate Court-III, Thrissur to dispose CMP No. 817/2021 as expeditiously as possible, at any rate, within six months from today.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

SKS

APPENDIX OF OP (CRL.) 302/2023

PETITIONER EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | A COPY OF THE CMP NO.817/2021 PENDING
BEFORE THE HON'BLE JUDICIAL MAGISTRATE
COURT NO.III, THRISSUR |
| Exhibit P2 | A COPY OF COURT PROCEEDINGS IN CMP
817/2021 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT NO.III, THRISSUR. |
| Exhibit P3 | A COPY OF THE ORDER IN MP NO.817/2021
DATED 06.05.2023 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT NO.III, THRISSUR. |

APPENDIX OF CRL.MC 6871/2023

PETITIONER ANNEXURES

Annexure A1	A COPY OF THE CMP NO.817/2021 PENDING BEFORE THE HON'BLE JUDICIAL MAGISTRATE COURT NO.III, THRISSUR
Annexure A2	A COPY OF THE PROCEEDINGS IN MP NO.817/2021 ISSUED FROM JUDICIAL FIRST CLASS MAGISTRATE COURT NO.III, THRISSUR
Annexure A3	A COPY OF THE ORDER DATED 06.05.2023 PASSED IN MP NO.817/2021 OF JUDICIAL FIRST CLASS MAGISTRATE COURT NO.III, THRISSUR